

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL No.
21-10359-AK

UNITED STATES OF AMERICA

v.

JOSHUA WESTBROOK

INTERIM STATUS REPORT

May 11, 2022

DEIN, M.J.

An Interim Status Conference was scheduled to be held remotely before this court on May 11, 2022 pursuant to the provisions of Local Rule 116.5(b), but with the court's consent the parties proceeded by way of a Joint Status Report. Based on that Report, this court enters the following report and orders to wit:

1. The government provided its automatic discovery on January 24, 2022 pursuant to a protective order, and then produced it to new counsel on April 6, 2022. The defendant is in the process of reviewing the documents produced by the government to date. The review process is delayed due to the defendant's inability to retain documents due to the protective order.
2. The government does not expect to produce additional discovery except in response to specific requests and in accordance with the Local Rules.
3. The date for filing discovery and/or dispositive motions shall be set at the next status conference.
4. The government will provide any expert witness disclosures 21 days prior to trial. The date for the defendant to provide expert witness disclosures, if any, shall be set at the next status conference.
5. This court finds and concludes, pursuant to the provisions of 18 U.S.C. § 3161(h)(7)(A) and Section 5(b)(7)(B) of the Plan for Prompt Disposition of Criminal Cases in the United States District Court for the District of Massachusetts (Statement of Time Limits Adopted by the Court and Procedures for Implementing Them, Effective December 2008) that the defendant requires additional time for the preparation of an effective defense, including time for review of the evidence, preparation of motions, and consideration of alternatives concerning how best to proceed with this matter, and that the interests of justice outweighs the best interests of the public and the defendant for a trial within seventy days of the return of an indictment. Accordingly, it is hereby ordered that the Clerk of this Court enter excludable time for the period of May 11, 2022 through June 16, 2022, that being the period between the expiration of the last order of excludable time and the next status conference.

Based upon the prior orders of the court dated December 17, 2022, February 1, 2022, March 15, 2022 and the order entered contemporaneously herewith, at the time of the Final Status Conference on June 16, 2022 there will be zero (0) days of non-excludable time under the Speedy Trial Act and seventy (70) days will remain under the Speedy Trial Act in which this case must be tried.

6. A Final Status Conference has been scheduled for June 16, 2022 at 10:00 a.m. Counsel for the respective parties shall file a Joint Memorandum before the close of business no less than THREE business days prior to that Status Conference.
7. It is too early to determine if a trial will be necessary. The parties estimate that a trial would take three days.

 /s / Judith Gail Dein
JUDITH GAIL DEIN
UNITED STATES MAGISTRATE JUDGE